

# Chapter 5 – Measurements and Exceptions

## 5.1 INTENSITY AND DIMENSIONAL STANDARDS

### 5.1.1 Table of Intensity and Dimensional Standards

All development shall be subject to the intensity and dimensional standards set forth in Table 5.1.1-1. These intensity and dimensional standards may be further limited or modified by other applicable sections of this Code. Bracketed numbers refer to the additional regulations set forth immediately following the table in Section 5.1.2. These additional regulations are applicable to specific uses or circumstances as indicated.

**Table 5.1.1-1: Site Intensity and Dimensional Standards**

Site Development Standard	Base Zoning Districts					Overlay Zoning Districts	
	R-1 R-2	R-3	C-1	C-2	I-1 I-2	A-1 A-2	SW EP
Minimum Lot Area (sq.feet)							
- Not served by public sewer	40,000	40,000	40,000	40,000	40,000	40,000	40,000
- Served by public sewer	10,000	10,000	10,000	20,000	10,000	10,000	10,000
- Additional regulations	[A,B]	[A,B,C]	[A]	[A]	[A]	[A]	[A,B,J]
Maximum Residential Lot Area (acres)	None	None	None	None	None	None	None
Minimum Lot Width (feet)							
- Not served by public sewer	125	125	125	125	125	125	125
- Served by public sewer	80	80	80	80	80	80	80
- Additional regulations	[D]	[D]	[D]	[D]	[D]	[D]	[D]
<b>Minimum Setbacks for a Dwelling or Other Principal Structures</b>							
Minimum Setbacks (feet)	[See TABLE 5.1.2-2]						
- Front (Street)	8	8	[H]	8	8	8	8
- Side	25	25	10	25	25	25	25
- Rear	25	25	10	10	0	25	25
- Railroads	25	25	10	10	0	25	25
- Water	75	75	75	75	75	75	75
- Additional regulations	[E,F,I,K]	[E,F,I,K]	[E,F,G,I,K]	[E,F,I,K]	[E,F,I,K]	[E,F,I,K]	[E,F,I,K]
Maximum Height (feet)	40	65	65	65	65	40	40
Maximum Lot Coverage	[M]	35%	100%	50%	70%	10%	10%
- Additional regulations							
<b>Minimum Setbacks for an Accessory Structure</b>							
Minimum Setbacks (feet)	[See TABLE 5.1.2-2]						
- Front (Street)	3	3	3*	3*	3*	3*	3
- Side	3	3	3*	3*	3*	3*	3
- Rear	25	25	10	10	0	25	25
- Railroads	75	75	75	75	75	75	75
- Water	10	10	10	10	10	10	10
-From a dwelling							
Maximum Height (feet)	20	20	65*	65*	65*	40*	20
Exceptions	*See 5.1.2.K, 5.2.3.H, 5.1.2.N and 5.2.4						
Maximum Lot Coverage	1500 ft²	35%	100%	50%	70%	10%	10%
- Additional regulations							
Additional Regulations	See Section 6.3						

## 5.1.2 Additional Regulations

**5.1.2.A** For lots not served by public sewer, soil and site evaluation may require larger lot areas. A lot shall contain sufficient area for a building site and sanitary system without encroaching on environmentally sensitive areas and access to the building site shall not cross an environmentally sensitive area.

### 5.1.2.B Deleted, See Appendix 20

**5.1.2.C** Minimum lot sizes for multi-family dwellings shall not be less than required in Table 5.1.1-1 above, but may be increased as shown in Table 5.1.2-1 below. Multi-family dwellings shall provide not less than 500 square feet of usable open space per dwelling unit, plus 100 square feet of additional usable open space for each bedroom over 2 in a dwelling unit.

**Table 5.1.2-1: Increases in Minimum Lot Area  
for Multi-Family Dwellings**

Number of Bedrooms in Each Unit	Minimum Lot Area Per Dwelling Unit (square feet)	
	Public Sewer	On-Site Sewer
3 or more bedrooms	4,000	12,000
2 bedrooms	3,500	10,000
1 bedroom	3,000	8,000

**5.1.2.D** Applies both at building setback line and at the ordinary highwater mark. Soil and site evaluation may require larger widths.

**5.1.2.E** Highway, street and road setbacks are measured from the centerline of the highway, street or road and/or from the highway, street and road right-of-ways whichever is greater. Minimum setback distances are provided in Table 5.1.2-2.

**Table 5.1.2-2: Minimum Setback Distances**

Type of Abutting Roadway	Minimum Setback Distances (feet)	
	From Centerline	From Right-of-Way
Streets and Town Roads (designated)	60	27
Streets and Town Roads (undesignated)	75	42
Federal, State, and County Trunk Highways	100	67
Expressways and Freeways		
- Residential Uses	---	200
- Nonresidential Uses	---	67

### 5.1.2.F Deleted (June 16, 2009)

**5.1.2.G** Within the C-1 General Commercial District, in existing platted areas that are or previously have been in commercial use, interior lots served by public sanitary sewer shall have no minimum front or street yard. Corner lots shall have no minimum front or street yard on the yard facing the principal street and shall have a minimum 10 foot front or street yard on the yard facing the nonprincipal street (as the principal street is determined by the Land Use Administrator).

**5.1.2.H** Within the C-1 General Commercial District, in areas served by public sanitary sewer, there shall be no minimum side yard, except where the lot is a corner lot, in which case a minimum side yard of 8 feet shall be required on that side yard not connected with the principal street yard.

**5.1.2.I** There shall be a side yard for each principal structure. The minimum width of each side yard shall be 8 feet.

**5.1.2.J** Where the requirements of a base and overlay district vary, the more restrictive requirement shall apply.

**5.1.2.K** Structures to be used for the housing of animals shall be located a distance equal to not less than ½ the structure height from the side and rear lots lines.

**5.1.2.L** All dwellings shall be located on a lot and only one dwelling shall be located, erected or moved onto a lot unless multiple dwellings are allowed on a lot in the underlying zoning district and all of the required permits and approvals have been obtained to allow multiple dwellings on said lot. However, two (2) single family dwellings or one (1) two family dwelling and necessary appurtenant structures shall be allowed to be located on one lot if that lot contains an operating farm.

**5.1.2.M** For all lots located within the R-1 or R-2 Residential Zoning Districts, no single accessory building shall exceed 1,500 square feet in area.

**5.1.2.N** Accessory structures that are located within the A-1 Prime Agriculture and A-2 General Agriculture Zoning District and that exceed 20 feet in height shall be located a minimum 8 feet from the side lot lines and 25 feet from the rear lot line except as allowed under Section 5.2.4.

## **5.2 DENSITY STANDARDS, MEASUREMENTS AND EXCEPTIONS**

**5.2.1.A** Density standards within the residential zoning districts shall be as shown in Table 5.2.1-1.

**Table 5.2.1-1: Density Standards in Residential Zoning Districts**

District	Sewer Status	Density Standard
R-1	Sewered	4 housing units per 40,000 square feet, or 10,000 square feet per housing unit
	Unsewered	1 housing unit per 40,000 square feet, or 40,000 square feet per housing unit
R-2	Sewered	8 housing units per 40,000 square feet, or 5,000 square feet per housing unit
	Unsewered	2 housing units per 40,000 square feet, or 20,000 square feet per housing unit
R-3	Sewered	8 housing units per 40,000 square feet, or 5,000 square feet per housing unit

**5.2.1.B** Density standards within the A-2 General Agricultural Zoning District shall be as shown in Table 5.2.1-2.

**Table 5.2.1-2: Density Standards in A-2 General Agricultural Zoning District**

Parent Parcel Total Area (Acres)	Number of New Lots Allowed
Less than 2 acres	0
2 acres up to 40 acres	1
40 acres up to 80 acres	2
80 acres up to 120 acres	3
Over 120 acres	4 (Maximum)

**5.2.1.B.1** The Committee or the Land Use Administrator shall require that a restriction be placed on the certified survey map for the new lots, or an affidavit be recorded with the Dodge County Register of Deeds Office for the lots on which surveying has been waived by the Committee or the Land Use Administrator, which would specify that no further divisions of the parent lot or the new lots that are created from the parent lot can take place for a period of 15 years after the maximum allowed density on the parent lot is reached. The Planning, Development and Parks Committee or the Land Use Administrator may modify or remove the restriction from the certified survey map or the recorded affidavit after five (5) years if approved by the applicable town and if the purpose and intent of the Code would be better served. The town may recommend denial of any request to modify or remove the restriction if the proposal is not consistent with their Comprehensive Plan.

**5.2.1.B.2** The Planning, Development and Parks Committee may remove a “no further land division restriction” from a property at any time if the land is rezoned out of an agricultural zoning district.

**5.2.1.C** Density standards within the A-1 Prime Agricultural Zoning District shall be as follows:

The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is located shall not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence within the A-1 Prime Agricultural Zoning District. In addition, there shall not be more than 4 dwelling units in nonfarm residences, nor, for a new residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

**5.2.1.D** The number of lots allowed from the existing parent lot and from the base farm tract is based on the presumption that all other applicable standards will be met. The maximum density established for a district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards. If a proposed lot contains land that is located in more than one zoning district, the most restrictive density standard shall apply. The right to divide land is not assignable or transferable to other property owners. The transfer of title to any property shall not change the rights or restrictions placed on a property under this Section.

**5.2.1.E** For purposes of calculating density the following areas shall be excluded from the total area of the parent lot: areas lying within the bed of lakes, ponds, or streams; existing dedicated rights-of-way within a site; and that portion of existing dedicated rights-of-way adjoining a site that is between the street or alley centerline and the site boundaries.

**5.2.1.F** A Development Concept Plan may be required by the County for all or part of the subject parent lot even though further division is not planned at the time. Such Plan shall include future road locations as well as the location, number and size of potential lots allowed in the future under the Land Use Code. A Development Concept Plan is recommended if further development is anticipated. The plan will be useful in determining if the current proposed lot layout would be compatible with future lots and if future road right-of-ways need to be reserved.

## **5.2.2 Lot Measurement and Requirements**

### **5.2.2.A Lot Area/Site Area**

See Table 5.1.1-1. Public rights-of-way and areas lying within the bed of lakes, ponds, or streams shall not be included in calculating lot size.

### **5.2.2.B Lot or Property Line, Front (or Street)**

See Table 5.1.2-2. The lot line describing the edge of the lot abutting the street, road or highway right-of-way. A corner lot shall have two front (or street) property lines.

### **5.2.2.C Lot or Property Line, Rear**

See Table 5.1.1-1. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

### **5.2.2.D Lot Width**

See Table 5.1.1-1. Lot width shall be measured at right angles to the lot depth at the front setback line and the rear setback line, or from the rearmost point of the lot depth in cases where there is no rear setback line.

## **5.2.3 Setback Measurement and Exceptions**

### **5.2.3.A Measurement**

Setbacks shall be measured as the minimum horizontal distance between the corresponding lot or property line, the road, street or highway centerline or the road right-of-way line and a line parallel thereto through the nearest point of a building or structure. Where no minimum front, street, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. Allowable projections into setback areas are listed in subsection 5.2.3.H shall not be utilized for measurement of setbacks.

For the purposes of this section, the centerline of a road, street or highway shall be the center of the existing surface or pavement, or if there is no pavement, the midpoint between the existing fences or other road, street or highway right-of-way markers indicating the boundaries of the opposite sides of the above.

### **5.2.3.B Front or Street Yard Setback**

A yard extending across the full width of a lot, the depth of which shall be measured as the minimum horizontal distance between the existing or proposed street, road or highway centerline and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

### **5.2.3.C Rear Setback**

A yard extending across the full width of the lot, the depth of which shall be measured as the minimum horizontal distance between the rear property or lot line and a line parallel thereto through the nearest point of the principal structure. A corner lot will have two side yard setbacks and no rear yard setback.

### **5.2.3.D Side Setback**

A yard extending from the street yard to the rear yard of the lot, the width of which shall be measured as the minimum horizontal distance between the nearest point of the principal structure and the corresponding side lot or property line. A corner lot will have two side yard setbacks and no rear yard setback.

### **5.2.3.E Water/River Setbacks**

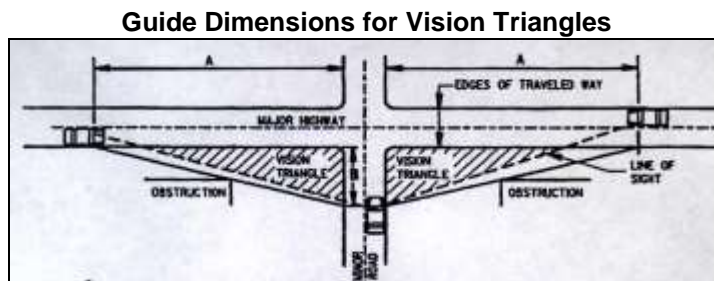
The setback from any body of water shall be measured as the minimum horizontal distance between the nearest point of the structure in question and the ordinary highwater mark of the water body.

### **5.2.3.F Railroad Grade Setbacks**

At railroad grade crossings the setback lines shall be not less than 330 feet from the intersection of the centerlines of the highway and railroad right-of-ways.

### 5.2.3.G Vision Triangles

Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections as shown in Table 5.2.3-1. In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Subsection 5.1.2 E) and Table 5.1.2-2



**Table 5.2.3-1: Vision Triangle Distances**

Design Speed (MPH)	Distance "A" (feet)	Distance "B" (feet)
40	310	130
50	410	160
55	510	170
60	610	185

**5.2.3.G.1** Distances may be adjusted to fit site conditions to provide the operator of a vehicle on the Major Highway an extra field of view and time to alter the vehicle's speed as necessary in the event a vehicle approaching the intersection on the minor road fails to stop.

**5.2.3.G.2** These requirements may not satisfy sight distance requirements at the intersection due to vertical or horizontal curves.

**5.2.3.G.3** The vision triangle shall be free of all obstructions including any cut slopes unless approved by the Dodge County Highway Department. If such approval is granted by the Highway Department, a Variance Agreement shall be required and/or a statement regarding any restrictions on the proposed obstruction shall be provided on the plat or certified survey.

**5.2.3.G.4** The minimum setback distance from a vision triangle boundary shall be 10 feet, except as may be modified by Section 5.2.3(H). In no case shall the setback from the vision triangle boundary be less than the minimum required highway setback distance required under Subsection 5.1.2 E) and Table 5.1.2-2.

**5.2.3.G.5** When the posted speed limits are below 40 mph on both intersecting streets, then distance "A" and distance "B" of the vision triangle can be reduced to a minimum of 35 feet from the edge of the right-of-way on both streets. This section does not pertain to county highways in Dodge County.

### 5.2.3.H Exceptions

#### 5.2.3.H.1 Essential Service Facilities and Private On-Site Waste Treatment Systems

Surface, overhead, and underground essential service facilities and private on-site waste treatment systems (powts), but not including any buildings, towers, or antennas, may be located within any required setback on the condition that the owner of such facilities within any setback that abuts a street shall remove all construction, additions, and replacements of these facilities at the owner's expense, when necessary for the improvement of the road, street, or highway.

### **5.2.3.H.2 Landscaping**

Trees, shrubs, flowers, hedges, and other landscape features, and field crops may be located within any required setback, subject to any vision triangle clearance clear sight regulations.

### **5.2.3.H.3 Setback Modifications**

The following features may be located within any required setback, subject to the limitations set forth:

**5.2.3.H.3.a** Uncovered stairs, ramps, landings, elevators, and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 3 feet to any lot line.

**5.2.3.H.3.b** Architectural projections, such as chimney flues, sills, eaves, bay windows, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed 2 feet.

**5.2.3.H.3.c** Residential fences are permitted on property lines, but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the front or street yard setback, and shall not be closer than 2 feet to any public right-of-way. Within required water setback lines only open fences that are a minimum of 50 percent open for each one foot segment of the fence over the entire length and height are allowed.

**5.2.3.H.3.d** Security fences are permitted on the property lines in non-residential zoning districts but shall not exceed 10 feet in height, shall be of an open, non-opaque type similar to woven wire or wrought iron fencing, and shall not be closer than 2 feet to any public right-of-way.

**5.2.3.H.3.e** Any fence or gate or fence or gate supports constructed of concrete, mortar or stone shall comply with the minimum setback distances listed in Section 5.1.2.E.

### **5.2.3.H.4 Setback Modifications within the Front or Street**

In addition to the general setback modifications allowed under Section 5.2.3(H)(3) above, certain setback modifications may be made within the Front or Street Setback.

**5.2.3.H.4.a** Deleted on May 17, 2011

**5.2.3.H.4.b** Underground structures not capable of being used as foundations for prohibited above-ground structures may be located within setback lines, provided a variance agreement requiring such structures to be removed at the owner's expense when required by road improvements is recorded with the deed.

**5.2.3.H.4.c** Access or service highways constructed according to plans as approved by the County Highway Committee may be located within highway setback lines. In giving such approval, the County Highway Committee shall consider highway safety and maximum sight distances.

**5.2.3.H.4.d (Deleted 5-20-2008)**

**5.2.3.H.4.e** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the centerline of the curved section.

**5.2.3.H.4.f** At intersections provided with transitional widening of right-of-way, such transitional widening shall be considered as additional width, and the setback line on the side that is widened shall be increased by an amount equal to the width of the additional right-of-way, or not less than 10 feet, whichever is greater.

**5.2.3.H.4.g** In cases where the provisions of this Code may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

### **5.2.3.H.5 Accessory Uses and Detached Structures**

Accessory uses and detached accessory structures are permitted in the rear and side yards only, except:

**5.2.3.H.5.a** They may be located in the street yard on waterfront lots;

**5.2.3.H.5.b** They may be located in the street yard on lots which are not in platted residential subdivisions. And

**5.2.3.H.5.c** Detached accessory structures shall not be closer than 10 feet to the principal structure, shall not exceed 20 feet in height, and shall not be closer than 3 feet to any lot line or 5 feet to any alley line except as allowed under Sections 5.1.2.K, 5.2.3.H, 5.1.2.N and 5.2.4.

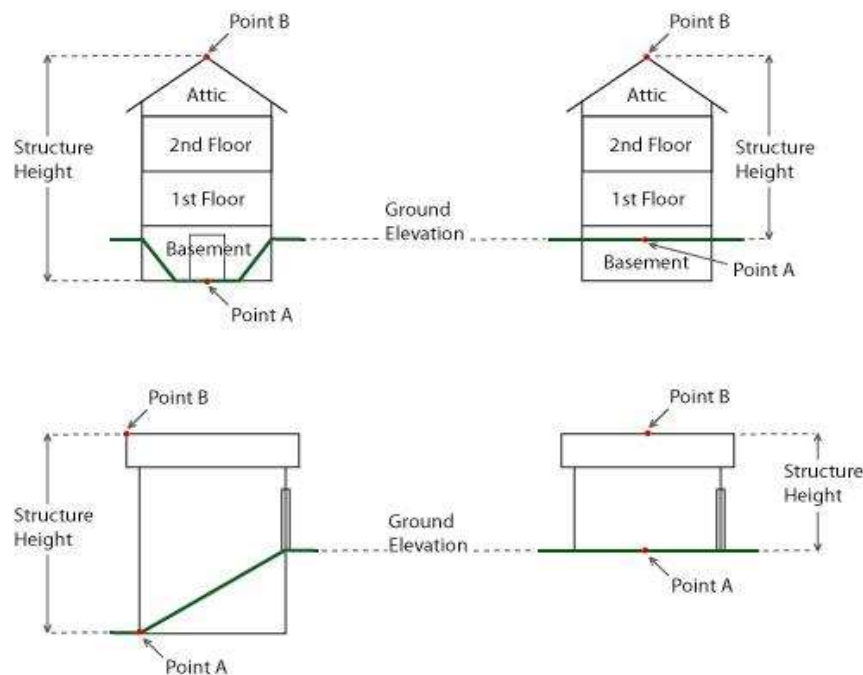
**5.2.3.H.6** Deleted on *June 28, 2010*

#### **5.2.3.H.7 Gazebos, Decks and Porches**

Gazebos, decks and porches shall be allowed as close as 35 feet from the ordinary highwater mark if constructed in accordance with Section 6.4 of this Code.

### **5.2.4 Height Measurement and Exceptions**

Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



#### **5.2.4.A Exceptions**

Zoning district height limits do not apply to:

**5.2.4.A.1** Architectural projections, such as belfries, cupolas, spires, domes, monuments, chimneys, or chimney flues.

**5.2.4.A.2** Special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, smoke stacks, and flag poles.

**5.2.4.A.3** Essential services, including utilities, water towers, electric power and communication transmission lines.



#### **5.2.4.B Towers, Mobile Service Support Structures, Communication Support Structures and Aerial Projections**

Towers, mobile service support structures, communication structures and any aerial projections attached to a tower, mobile service support structure or a communication support structure, including but not limited to personal communication service towers, radio and television transmission and relay towers, microwave towers, common-carrier towers, mobile service support structures, cellular telephone towers, alternative tower structures, aerials, and observation towers, are exempt from the zoning district height requirements; however, said structures and any projecting aerial attached to said structures shall not exceed 500 feet in height. These structures shall be located a minimum distance equal to 1/3 the structure height, including the height of any projecting aerial attached to said structures from the side and rear lot line and shall be located in accordance with the minimum setback distances required in Section 5.1.2.E for roads. These structures shall be located a minimum distance equal to the height of the structure including the height of any aerial projections attached to the structure from any residential structure. In addition, said structures and any aerial projections attached to said structures that are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance shall not exceed the maximum airport height regulations.

Guy wires and accessory facilities must satisfy all applicable setback requirements for an accessory structure as listed in Table 5.1.1-1 of this Code

If an applicant provides the Department with an engineering certification showing that a tower, mobile service support structure, communication support structure, radio and television transmission and relay tower, microwave tower or any other common-carrier tower is designed to collapse within a smaller fall zone area than the setback required in the Code, the smaller fall zone setback area shall be used as the setback requirement unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

#### **5.2.4.C Agricultural Structures**

Silos, grain bins, grain dryers and grain elevators are exempt from the zoning district height requirements within the A-1 Prime Agriculture and A-2 General Agriculture Zoning Districts, however, if these agricultural structures exceed 40 feet in height, they shall be required to be located a distance equal to not less than ½ the structure height from the nearest lot line. In addition, if said structures are located within the jurisdictional boundaries of the Dodge County Airport Zoning Ordinance, the structures shall not exceed the maximum airport height regulations.

#### **5.2.4.D Public or Semi-Public Facilities**

Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, governmental offices and stations, may be erected to a height of 65 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height distance.

#### **5.2.4.E Wind Energy Systems**

Wind Energy systems are exempt from the zoning district height requirements of this Code; however

**5.2.4.E.1** Wind Energy systems shall comply with the applicable height restrictions in PSC 128.13 Wisconsin Administrative Code.

**5.2.4.E.2** Small wind energy systems shall comply with the applicable height restrictions in PSC 128.61 Wisconsin Administrative Code.

**5.2.4.E.3** Personal wind energy systems shall be restricted to a maximum height of 75 feet.